

REMARKS

The Official Action mailed October 4, 2010, and the prior art relied upon therein have been carefully studied. The claims in the application, other than the withdrawn claims, are examined claims 1, 5, 6 and 21, and Applicants respectfully maintain that these claims define patentable subject matter warranting their allowance. Favorable reconsideration and allowance are earnestly solicited.

Main claim 1 has been restructured, but basically contains the same subject matter as previously recited. In addition, the transition language has been changed from "comprises" to "consisting essentially of."

Claims 1, 5, 6 and 21 have been rejected as obvious under 35 USC §103 from the published Urai application '105 in view of Takahashi et al USP 4,748,198 (Takahashi). This rejection is respectfully traversed.

Urai published application '105 has been discussed previously, and the remarks of August 4, 2010, are respectfully repeated by reference. In one sense, Urai '105 constitutes a starting point of the present invention, but the present invention provides improvements which are not made obvious to the person of ordinary skill in the art from Takahashi. Applicants respectfully reiterate that neither reference discloses the effective ranges of shellac and rosin used together, and that the examiner has previously acknowledged that Urai '105 does not disclose such a combination as recited.

Applicants have pointed out in the last Reply relying on MPEP §2144.05, III, that in effect *In re Ailer*, 220

105 USPQ 233, 235 (CCPA 1955) is not applicable. The recited features are all critical in achieving the desired results, and this includes the drying time of less than 60 seconds as pointed out below.

The composition as originally claimed can be basically used in two different ways, namely either professionally or non-professionally, i.e. by the non-professional user, such as in the home. **For home use, the composition as claimed, the drying time of 60 seconds is critical.** This is so because 60 seconds is the limit for a person to keep his or her mouth open after having coated his or her teeth with a tooth coating agent. (The 60 seconds limitation does not apply in the case of use by a professional, because it can take more than one minute to coat the teeth by a professional artist, and the customer will not complain because the artist can use a supporting tool to keep the mouth open.) Thus is it important to distinguish between a professional use and a home use. The present invention claims a composition suitable for home use.

The "response to arguments" section of the Office Action indicates that Takahashi teaches that "rosin tends to lower the rate of volatilization of the organic solvent and thereby increasing drying time..." It therefore should be clearly established that using rosin and still obtaining a quick drying time produces subject matter which is non-obvious from Takahashi. The person of ordinary skill in the art, considering Takahashi either alone or in conjunction with Urai '105, would conclude that the claimed composition is ineffective, taking too long to dry if rosin is used (as claimed). Takahashi teaches away from the present invention, if indeed the person of ordinary skill in the art were even to consider Takahashi.

Regardless of what is stated above, Applicants do not see that Takahashi leads the person of ordinary skill in the art toward the present invention, even though Takahashi does relate to coating materials for protecting the surfaces of teeth. This is so because Takahashi uses polystyrene as the resinous material, because polystyrene is fundamentally different from shellac. One cannot learn about the effectiveness of rosin in a coating composition of shellac from anything taught by Takahashi wherein the resinous material is polystyrene rather than shellac.

Withdrawal of the rejection is in order and is respectfully requested.

Favorable reconsideration and allowance are in order and are therefore respectfully requested.

If the examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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